



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 10, 1993

Mr. Boyd Johnson
Legal Services Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR93-517

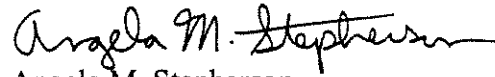
Dear Mr. Johnson:

The Texas Parks and Wildlife Department (the "department") received two requests for "copies of all materials including bid responses, evaluations and rankings, and the purchase order for the Texas Parks and Wildlife Request for Proposal, dated April 4, 1992, for consulting services for the assessment of current and future information system(s) needs" and requested a decision of this office pursuant to section 7 of the Texas Open Records Act (the "act"), V.T.C.S. article 6252-17a. In Open Records Letter No. 93-108 (1993), this office partially disposed of your request, ruling that sections 3(a)(4) and 3(a)(10) did not except the requested information from required public disclosure. However, because the decision in *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ) required reexamination of the section 3(a)(11) exception, we allowed you an additional 15 days to submit arguments in accordance with the *Gilbreath* decision. We now address your claim that some of the requested information is protected by section 3(a)(11) of the act. We have assigned your request ID# 19633.

Section 3(a)(11) excepts from required public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993) (copy enclosed), this office reexamined the section 3(a)(11) exception and held that section 3(a)(11) excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. *Id.* at 5-6. As the information submitted to us for review relates to an internal administrative and personnel matter, *i.e.*, the department's selection of consultants, we conclude that section 3(a)(11) does not except it from required public disclosure. Accordingly, the department must release the requested information in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Angela M. Stepherson
Assistant Attorney General
Opinion Committee

AMS/GCK/jmn

Ref.: ID# 19633

Enclosures: Open Records Decision No. 615
submitted documents

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